

## Message Text

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13  
ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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R 161632Z SEP 76  
FM AMEMBASSY DUBLIN  
TO SECSTATE WASHDC 8380  
INFO AMEMBASSY BONN  
AMEMBASSY BRUSSELS  
AMEMBASSY COPENHAGEN  
AMEMBASSY LONDON  
AMEMBASSY LUXEMBOURG  
AMEMBASSY PARIS  
AMEMBASSY ROME  
AMEMBASSY THE HAGUE  
USMISSION NATO BRUSSELS  
USMISSION EC BRUSSELS  
AMCONSUL STRASBOURG  
AMCONSUL BELFAST

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E.O. 11652: N/A  
TAGS: PINS, EI  
SUBJECT: IRISH PARLIAMENT PASSES EMERGENCY LEGISLATION

REF: (A) DUBLIN 1717, (B) DUBLIN 1786, (C) DUBLIN 1820

1. THE LOWER HOUSE OF THE IRISH PARLIAMENT (DAIL) PASSED  
THE CRIMINAL LAW BILL, 1976, BY CONSENSUS LAST NIGHT, AND  
THEN ENDED ITS EMERGENCY SESSION. THE DAIL WILL RECONVENE  
IN REGULAR SESSION OCT. 20. THE EMERGENCY GILL STILL HAS  
TO BE PASSED IN THE SENATE, WHICH SHOULD BE A MERE  
FORMALITY AND COMPLETED TODAY. THE OPPOSITION IS NOT  
OPPOSING THE BILL.

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2. REFTEL A DESCRIBES THE DETAILS OF THE "EMERGENCY" LEGISLATION PASSED BY THIS PECIAL SESSION, CALLED IN LARGE MEASURE AS A RESPONSE TO THE ASSISSINATION OF THE BRITISH AMBASSADOR.

THE MAIN ACTS WERE:

-- A DECREE DECLARING A STATE OF EMERGENCY,

-- AN EMERGENCY POWERS BILL NULLIFYING HABEUS CORPUS FOR SEVEN DAYS AFTER ARREST,

-- A CRIMINAL LAW BILL GREATLY INCREASING PENALTIES FOR TERRORIST OFFENCES, MAKES IT AN OFFENSE TO "INCITE" SUPPORT FOR TERRORIST ORGANIZATION, AND GIVES THE ARMY POWERS TO ARREST.

3. THE FIRST TWO BILLS WERE RAMMED THROUGH IN CLOSE PARTY-LINE VOTES OVER THE BITTER OPPOSITION OF THE FIANNA FAIL PARTY (REFTEL C). THE THIRD WAS PASSED WITHOUT A VOTE SEPT 15, SINCE IN THE END FIANNA FAIL DID NOT OPPOSE. IN ORDER TO REACH THIS AMICABLE, AND SPEEDY, CONCLUSION THE GOVERNMENT AGREED TO AMENDMENTS OF TWO SECTIONS: 1) IT STRUCK OUT THE WORDS "EXPRESSLY OR BY IMPLICATION" IN THE INCITEMENT CLAUSE, AND 2) IT AGREED THAT THE NEW SPECIAL POWERS TO THE ARMY WOULD AUTOMATICALLY LAPSE AFTER ONE YEAR.

4. THE "INCITEMENT" CLAUSE HAS BEEN THE MAIN FOCUS OF ATTENTION SINCE POSTS AND TELEGRAPHS MINISTER CONNOR CRUISE O'BRIEN, IN AN INTERVIEW IN THE WASHINGTON POST SEPT 5, CAME VERY CLOSE TO SAYING THAT THIS CLAUSE OF THE BILL COULD BE USED FOR A KIND OF CENSORHHIP OF THE PAPERS, ESPECIALLY THE IRISH PRESS WHICH HAD BEEN PUBLISHING PRO-IRA LETTERS IN ITS LETTERS COLUMN. ALTHOUGH O'BRIEN AND JUSTICE MINISTER COONEY BOTH DENIED THAT CENSORSHIP WAS INTENDED, IT QUICKLY BECAME CLEAR FROM PUBLIC RESPONSE THAT THIS SECTION OF THE BILL WAS NOT PALATABLE. FIERY IRISH PRESS EDITOR, TIM PAT COOGAN, WAS THE HERO OF THE HOUR, BRAVELY DEFENDING FREEDOM OF THE PRESS. THE LIMITED OFFICIAL USE

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PRESSURE GOT TO THE LABOR BACK-BENCHERS, AND EVEN PRIME MINISTER COSGRAVE, WHO IS NOT NOTED FOR FLEXIBILITY, SAW THE LIGHT AND ACCEPTED THE FIANNA FAIL AMENDMENT, THOUGH COONEY SAID THAT IT DID NOT MATERIALLY ALTER THE LAW.

5. COMMENT: GREAT AMOUNTS OF NEWSPAPER AND OTHER MEDIA VERBIAGE HAVE BEEN EXPENDED ON THIS SPECIAL SESSION, BUT NO ONE CAN AGREE ON THE REAL SIGNIFICANCE. IRELAND

ALREADY HAD SEVERE AND EFFECTIVE LAWS TO COMBAT TERRORISM -  
EVEN IAN PAISLEY HAS BEEN KNOWN TO ADMIT THAT - AND THE  
LAWS HAVE BEEN STRENUOUSLY APPLIED. THUS THERE WAS SOME  
JUSTIFICATION IN OPPOSITION LEADER LYNCH'S CHARGE THAT  
THIS WHOLE SHOW WAS "WINDOW DRESSING." COSGRAVE HAD BEEN  
DEEPLY UPSET ABOUT AMBASSADOR EWART-BIGG'S ASSASSINATION,  
AND HE HAD TO MAKE A BIG AND IMPORTANT GESTURE. BUT IF  
WINDOW DRESSING, WHY THE BITTER OPPOSITION FROM FIANNA  
FAIL WHICH WENT FAR BEYOND THE PRO-FORMA WINDOW DRESSING  
PERFORMANCE? INDEED, ALL OBSERVERS ARE GIVING FIANNA FAIL  
HIGH MARKS FOR THE BEST AND MOST EFFECTIVE SHOW OF OPPOSITION  
IN YEARS. THE ANSWER TO THESE QUESTIONS, FOR THE MOST  
PART, MUST BE FOUND IN ELECTORAL POLITICS. LYNCH AND  
COMPANY SAW THIS AS A GOOD CHANCE TO REGAIN SOME OF THE  
GROUND THEY HAD LOST IN TWO BY-ELECTION DEFEATS, AND A  
WARM-UP FOR THE ELECTION WHICH PROBABLY COME NEXT  
SPRING OR EVEN EARLY IN THE YEAR. OUR ASSESSMENT IS THAT  
FIANNA FAIL CAME OFF VERY WELL IN THIS AFFAIR AND IT IS  
BEGINNING TO IMPROVE ITS IMAGE. THE  
GOVERNMENT, ON THE OTHER HAND, GOT HOIST ON ITS OWN GESTURE  
(WHICH WAS DONE WITH THE BEST OF INTENTIONS) AND NOW HAS  
TO SMOOTH A FEW RUFFLED FEATHERS. THE WHOLE THING LEFT A  
BAD TASTE IN THE LABOR RANKS, WHICH ARE TRADITIONALLY THE  
MOST ATTUNED TO CIVIL RIGHTS, PRESS FREEDOM, ETC.  
CURLEY

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